Division of Dockets Management
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

[Docket Nos. 1996P-0418, 1997P-0197, 1998P-0203, and 2000N-0504 and RIN number 0910-AC14]

Dear Sir or Madam:

I am writing to comment on the FDA's proposed rule regarding Salmonella Enteritidis in shell eggs. My family has had an egg producing and processing business in Texas for the past 52 years. In all those 52 years we have **never** had a customer say that they had gotten sick from eating our eggs. We take pride in voluntarily producing a good safe product. I fear, however, that if your proposed regulations go into effect as currently written, it will be the demise of my business and many other small to medium egg farms across the country. We will be left with only the mega-sized operations that can take the financial burden, and the country will **not** have any significantly safer eggs than are now produced.

The following are the most troubling proposed regulations to me:

1. **FDA's requirement that eggs held more than 36 hours be refrigerated at 45 degrees F is unnecessary and not practical**. First, 45 degrees is too cold if the eggs are going to be washed, because the large temperature change in the washer can cause thermal cracks. 55 degrees is a better compromise since that temperature will keep cracks lower, but still be cold enough to retard bacterial growth sufficiently if the eggs are washed within 5-7 days. Also, 36 hours is an unworkably short time for farm-to-plant transport, especially considering weekends and holidays. I would end up sending mostly empty trucks down the highways burning up precious fuel, and adding wasted hours for drivers. I don't believe these costs have been adequately addressed by FDA. This short timeframe would force all farms that don't have coolers to install them. Many farms, especially the smaller ones, who could not afford the expense, would simply close.
2. **Diverting the eggs of an SE-positive flock from normal sales channels into further processors would be cost-prohibitive, and perhaps impossible**. Further processors are buying considerably fewer eggs from the open market in recent years because of the strong trend for the further processors to have their own dedicated production. There is only one processor in Texas that I can now

send my "normal" restrictive eggs to…and sometimes he won't buy because of being overstocked. Heaven help me if I ever had to divert an entire house of production to him, since I am convinced he could not handle the increase for long. Even if I could find a processor in another state that would take eggs from an SE-positive flock, I would be lucky to receive 15-20% of my normal costs. (As I write this, the market for Grade A Large eggs is $.90, but I only receive $.13 from the further processor, and this does not even take freight into consideration). The extra costs which the FDA have associated with the egg diversion process have been grossly underestimated. The only way to prevent massive losses and bankruptcies caused by the diverting of Se-positive flock eggs, would be to have an indemnity system payable to producers while they are eliminating SE from their farms.

3. **FDA's biosecurity regulations have an extremely high cost-to benefit ratio and need more flexibility**. As an example, if one worker is watching 2 or 3 houses while the eggs are being gathered in a cross-belt system, he has to rapidly walk from house to house to monitor belt jams, and could not possibly change outer garb in between. The number of hired workers would have to double or triple in that case. These and other day to day realities have not been considered in the costs associated with this requirement. The requirements would be unwieldy and expensive to implement, especially on the smaller farms, since the high fixed cost would be spread over a small number of eggs. The benefits obtained can really only be speculated on, and in truth there may be no true benefits. The high costs for the smaller farms would be difficult for them to absorb, forcing more closing of the smaller farms.
4. **The 1000 egg sample should not be fixed, but be a ratio of house size, since the "benefits to society" are a ratio of house size**. The cost for the smaller houses is just too high, and the benefits of detection are less than the mega houses.
5. **The costs associated with the areas in the proposed regulations that might make a difference toward combating SE are so high, the FDA should radically minimize the non-productive requirements such as record-keeping**.
6. **Wet Cleaning problems outweigh the possible benefits in many cases**. Wet cleaning greatly accelerates the rusting of the equipment, which is a cost not included in FDA's cost estimated. Cold weather is also a problem. The benefits have not been proven.
7. **Existing laboratories capacities are questionable as to their ability to handle the added workload**. What <u>is</u> certain is the high cost and delay in results. FDA should certify the existing SE kits on the market (such as the Neogen Reveal kit), which producers can use at the farm to get results quicker and cheaper.

These regulations as proposed will be devastating to the industry, especially the small to medium farms. Please reconsider the final version.

Sincerely,
Conrad Boeck
Featherland Egg Farm